(67)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर u/s-15(2) Cont. of court-

आदेश पत्रक

Cr. Cont- 03

मामला क्रमांक ..... सन् 2006 Division Bench

State of C.G. ..... विरुद्ध Smt- Shiba Sayal

through- A.K. Pathak II ASJ Mahasamund

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		As criminal contempt Petition registered u/s-15(2) of the contempt of Court Act, on the reference made by Shri- A.K. Pathak II A.S.J. Mahasamund C.G.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cri. Contempt No. 03/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:
HON'BLE SHRI V.K. SHRIVASTAVA &
HON'BLE SHRI DHIRENDRA MISHRA, JJ.

13/06/2006

Chhattisgarh Mahila Jagriti Sangathan and Chhattisgarh Mahila Mukti Morcha, Sabla Dal organized a demonstration on 29/09/2005 at Mahasamund against inaction of police administration and judicial system dealing with the cases of women violence. 30/40 women including non-applicant participated the demonstration. They not only distributed pamphlets, but also raised slogans before the office of Sub-Divisional Officer and Court. They also criticized the proceeding of a pending criminal case where evidence of a woman who was declared mentally unfit by the Doctor, has been recorded by the Court.

Shri Anil Sharma, President, District Bar Association, Mahasamund on 30/09/2005 gave information in writing to Shri A.K. Pathak, Additional District & Sessions Judge, Mahasamund who started the contempt proceeding against non-applicant. Show cause notice was issued against her, giving details of demonstration and treating the criticism regarding recording the statement of Kamla Bai who was declared mentally unfit by the Medical Officer, a criminal contempt. Non-applicant after receiving show cause notice filed her reply. She gave elaborate

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

description of the agitation and urged that a peaceful democratic demonstration was staged on 29/09/2005 at Mahasamund in front of office of Sub-Divisional Magistrate, popularly known as Tahsil Office which is a regular venue for staging such protest demonstration by people's organization. It is, further, stated that 70/100 women participated the demonstration with whom non-applicant was also present as a member of the Chhattisgarh Mahila Jagriti Sangathan. The contents of pamphlet and the criticism said to be contemptuous by the Court were in no way contemptuous in letter or spirit, but are fair and reasonable criticism which does not interfere in the administration of justice. However, she tendered apology in case of non-acceptance of her explanation.

The sub-ordinate Court, after receiving the reply of show cause notice, passed order on 16/11/2005 holding the act of non-applicant's interference in judicial proceeding and further holding that to check such demonstration and slogans proceeding against non-applicant for contempt of court is necessary. Accordingly the instant reference has been made by him.

Non-applicant is one of the members of the demonstration staged by the concerned organizations. It appears that pamphlets were distributed and slogans were also raised. So far as criticism of Court is concerned, the fact that despite Kamla Bai was declared

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मामला क्रमांक Cr.Cont. 03/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

mentally unfit by two doctors, the Court not only recorded her statement but also allowed opportunity to other party to cross examine her and the grievances made by Kamla Bai and her associates was rejected, the said fact appears to be true and if something happens in the Court is correctly published that alone cannot come within the purview of contempt. It is settled law that no action is called for if criticism is reasonable and is offered for public good, without any malice or to impair the administration of justice.

Taking into consideration the nature of allegations and also in the light of detailed explanation and apology tendered by non-applicant, we are of the view that no action under Contempt of Courts Act is called for against non-applicant. Therefore, reference made by the sub-ordinate Court is liable to be dropped and is accordingly dropped.

Sd/-
V.K. Shrivatava
Judge

Sd/-
DHIRENDRA MISHRA
Judge

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